

# Notice of Allowability

Application No.

10/723,937

Examiner

Seyed Azarian

Applicant(s)

GERWIN, PAUL J.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/5/2008.
2. ☒ The allowed claim(s) is/are 1, 3-9, 12-23, 25-29 now renumbered as 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Response to Amendment**

1. Based on applicant's amendment, filed 2/5/2008, see page 8 through 9 of the remarks, with respect to cancellation of claims 2, 10, 11, 24 and 30, and amended claims 1 and 16, have been fully considered and are persuasive, upon further consideration the rejection of 102(b) and 103(a) for claims 1, 3-9, 12-23 and 25-29, are hereby withdrawn.

The claims 1, 3-9, 12-23 and 25-29 now renumbered as 1-25 are allowed.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance.

This invention relates generally, to apparatus and methods for testing imaging devices. More particularly, the present technique relates to a phantom for testing imaging devices.

Based on applicant's amendment, with respect to claim 1, representative of claim 16, the closest prior art of record (Launay and White), Launay reference is directed to the field of devices that make it possible to simulate the body or a part of the body, particularly a patient's blood vessels, for the testing of an X-ray apparatus. White reference is directed to device that simulates a body of tissue in its interaction with radiation, but do not teach or suggest, among other things, "a second portion coupled to the first portion and rotatable with respect to the first portion, the second portion having a testing region of material radiographically similar to human tissue; wherein the phantom comprises a plurality of groups of vessel-like regions, wherein a first group of vessel-like regions comprises a first concentration of a radiographically opaque material and a second group of vessel-like regions comprises a second concentration of a radiographically opaque material".

The reasons for allowance of independent claims 9, 20, 23, 25 and 29, set forth in the previous office action dated on 12/5/2007 are not repeated herein, but are incorporated by

reference. As applicants properly point out in the previous remark, the prior art fails to disclose the claim limitation.

These key features in combination with the other features of the claimed invention are neither taught nor suggested by (Launay and White) prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Contact Information**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian  
Patent Examiner  
Group Art Unit 2624  
February 12, 2008

  
**SEYED AZARIAN**  
PRIMARY EXAMINER